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EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 03/10/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,407

Applicant(s)

INNES, BRIAN

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/8/11/03, 7/10/6/3
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio (U.S. 6,381,651) and Hashimoto (U.S. 5,931,905).

As per claims 1,13,23 Nishio disclosed a mail server for initiating database synchronization with a client on a mobile computing device (col. 17, lines 1-6), comprising: a mail server copy of a user mailbox, wherein a copy of said user mailbox also exists on the client; means for receiving a message for said user at the mail server; means for storing the message in said user mailbox on the mail server (col. 11, lines 7-21); means, responsive to receipt of said message at the mail server, for initiating a link between the mail server and the client; and means for transmitting synchronization updates to the client in order to synchronize the client copy of said mailbox with the mail server copy, such that said message is added to the client copy of the mailbox and means for transmitting synchronization updates to the client in order to synchronize the client copy of said mailbox with the mail server copy, such that said message is added to the client copy of the mailbox (col. 17, lines 38-54).

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However Nishio did not disclose in details means, responsive to receipt of said message at the mail server, for initiating a link between the mail server and the client. Wherein the step of initiating the link comprises: creating a first trigger messaging to a message server, at the message server, transmitting a second trigger message to the client using a first protocol responsive to receipt of the first trigger message, at the client initiating a mail box synchronize request to the mail server using a second protocol in response to the receipt of the second trigger message; and wherein the method further comprises synchronizing the client copy of said mailbox with the mail server copy using the second protocol.

In the same field of endeavor Hashimoto disclosed a plurality of local mail servers to which the televisions are connected through communication lines in each predetermined area and which are connected to one another on a network; and a center mail server to which the local servers are connected through the communication lines, is characterized in that television has a mail sending function which makes mail including at least destination information and the body of the mail to output the mail data to the local mail server, and a mail to output the mail data to the local mail server, and a mail receiving function (col. 3, lines 3-11). Hashimoto also disclosed mail boxes of the receivers are dispersed to local response servers so that the load for the center response server is dispersed and reduced. Since the mail routing program is provided with the function of converting the communication protocol to convert the protocol to another mail, mutual connection with the other mail can be performed (col. 16, lines 31-39). The mail transfer program takes out the received mail from the mail box indicated with the receiver ID to make

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mail data. Mail data is forwarded to the program controller of the interactive television. Data communication is performed by using the communication controllers (col. 16, lines 13-19).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated a plurality of local mail servers to which the televisions are connected through communication lines in each predetermined area and which are connected to one another on a network; and a center mail server to which the local servers are connected through the communication lines, is characterized in that television has a mail sending function which makes mail including at least destination information and the body of the mail to output the mail data to the local mail server, and a mail to output the mail data to the local mail server, and a mail receiving function. Mail boxes of the receivers are dispersed to local response servers so that the load for the center response server is dispersed and reduced. Since the mail routing program is provided with the function of converting the communication protocol to convert the protocol to another mail, mutual connection with the other mail can be performed (col. 16, lines 31-39). The mail transfer program takes out the received mail from the mail box indicated with the receiver ID to make mail data. Mail data is forwarded to the program controller of the interactive television. Data communication is performed by using the communication controllers in the method of Nishio to reduce the cost of delivering Email to the users and reduce latency in the terms of Email transfer and updates.

3. As per claims 2,14 Nishio-Hashimoto disclosed wherein the mail server mailbox includes a remote device id for identifying the client (Hashimoto, col. 9, lines 21-26).
4. As per claims 3,15 Nishio-Hashimoto disclosed wherein the step of initiating a link to said client comprises executing an agent, wherein the agent initiates a call to the client using said remote device id (Hashimoto, col. 12, lines 1-13).
5. As per claims 4,16 Nishio-Hashimoto disclosed wherein the agent initiates the call to the client by: creating the first trigger message, said first trigger message comprising the remote device id; transmitting said first trigger message to the message server (Hashimoto, col. 14, lines 1-10); and responsive to receipt of said trigger message at the message server, initiating said link between the mail server and the client in order to perform said synchronization (Hashimoto, col. 3, lines 3-19).
6. As per claims 5,17 Nishio-Hashimoto disclosed wherein said message server includes an address book, in which the remote device id of the client and contact details are stored (Hashimoto, col. 9, lines 29-33).
7. As per claims 6,18 Nishio-Hashimoto disclosed wherein the step of initiating a link to the client further comprises: receiving the first trigger message at said message server (Hashimoto, col. 11, lines 57-67); looking up the remote device id contained within said first trigger message in the message servers address book (col. 12, lines 1-13); mapping said remote device id to the

corresponding contact details; and using said details to transmit the second trigger message to the client (Hashimoto, col. 12, lines 43-50).

8. As per claim 7 Nishio-Hashimoto disclosed wherein a first link is established between the client and the message server to allow receipt of said second trigger message by the client, said method further comprising the steps of: dropping said first link after receipt of said second trigger message at the client; initiating a second link from the client to the message server; and transmitting a synchronization request over said second link from the message server to the client using the second protocol (Hashimoto, col. 16, lines 31-39), wherein said synchronization is performed in response to receipt of said request at the client (Hashimoto, col. 3, lines 3-31).

9. As per claims 8,19 Nishio-Hashimoto disclosed wherein the second trigger message is an SMS text message (Nishio, col. 12, lines 2-12).

10. As per claim 9 Nishio-Hashimoto disclosed wherein the mail server and the message server are physically the same machine (Nishio, col. 3, lines 23-39).

11. As per claims 10,20 Nishio-Hashimoto disclosed further comprising the step of allowing a user to disable server initiated database synchronization with the client (Hashimoto, col. 9, lines 21-34)

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12. As per claims 11,21 Nishio-Hashimoto disclosed comprising the steps of: logging when synchronisation was last performed; and responsive to receipt of a new message for the user at the mail server, waiting a predetermined amount of time after said synchronisation was last performed before performing synchronisation again (Nishio, col. 17, lines 38-56).

13. As per claims 12,22 Nishio-Hashimoto disclosed further comprising the step of enabling a user to alter said predetermined amount of time (Nishio, col. 16, lines 41-65).

Applicant's arguments are as follows:

14. Applicant argued that prior art did not disclose the use of a simple first protocol from a server to trigger a mobile device that an email is present, followed by a request using a more powerful second protocol from the device to the server to request the transmission of the email from the server to the device using the second protocol.

As to applicant's argument Hashimoto disclosed mail boxes of the receivers are dispersed to local response servers so that the load for the center response server is dispersed and reduced. Since the mail routing program is provided with the function of converting the communication protocol to convert the protocol to another mail, mutual connection with the other mail can be performed (col. 16, lines 31-39). The mail transfer program takes out the received mail from the mail box indicated with the receiver ID to make mail data. Mail data is forwarded to the program controller of the interactive television. Data communication is performed by using the

communication controllers (col. 16, lines 13-19). One ordinary skill in the art at the time of the invention can interpret the second protocol as a transfer protocol and the first protocol as communication protocol.

Conclusion

15. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

17. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

18. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

19. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

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Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER